

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-037-KDB-DCK**

**UNITED STATES OF AMERICA, *et al*, *ex rel.* TARYN HARTNETT and DANA SCHOCHED,**

**Plaintiffs,**

**vs.**

**PHYSICIANS CHOICE LABORATORY SERVICES, PHILIP MCHUGH, *et al.*,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** regarding the status of the case. The undersigned conducted a telephone conference regarding discovery disputes between the Government and Defendant McHugh on October 1, 2020.

The parties' disputes at this point are primarily: (1) the sufficiency of the Government's response to Defendant McHugh's Interrogatory No. 1; and (2) the proposed topics for a Rule 30(b)(6) deposition of representative(s) of the U.S. Department of Health and Human Services ("HHS"). After reviewing counsel's informal emailed submissions and hearing from both sides during the telephone conference, the undersigned offered the following guidance.

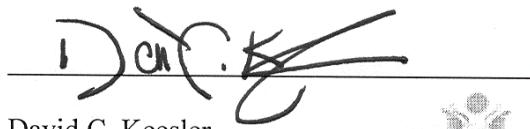
First, the undersigned determined that the Government's response to Interrogatory No. 1 is adequate, and that the Government shall supplement its response *if* it locates additional relevant and responsive information. Next, the undersigned advised counsel that the proposed topics for the HHS 30(b)(6) deposition appear to be too broad and too numerous. The undersigned is not persuaded that these topic areas are all appropriate for this deponent, proportional to the needs of

the case, and/or likely to lead to an efficient and productive deposition. Defendant acknowledges that some of the topic areas have already been narrowed, and counsel have been directed to re-double their efforts to at least generally agree on a reasonable list of topics.

Based on the discovery deadline, it may be most efficient for counsel to then proceed with the proposed deposition and for the Court to consider objections, if any, to specific questions at a later date. Counsel were reminded that the Court has directed that there will be no further extensions of time granted in this matter.

**SO ORDERED.**

Signed: October 1, 2020

  
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David C. Keesler  
United States Magistrate Judge

